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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,493	07/23/2003	Craig Alexander Will	SS0156C (NORT10-00325)	8086
33000	7590	01/28/2008	EXAMINER	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			ADDY, THJUAN KNOWLIN	
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			01/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/625,493

Applicant(s)

WILL, CRAIG ALEXANDER

Examiner

Thjuan K. Addy

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 46-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on November 05, 2007 has been entered. Claims 71 and 79 have been amended. Claims 1-45 have been cancelled. No claims have been added. Claims 46-81 are still pending in this application, with claims 46, 64, 71, 76, and 79 being independent.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/05/2007 has been entered.

### ***Double Patenting***

3. Claims 46-63 and 76-78 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,721,410. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims of the instant application are broad enough to be encompassed by the limitations of the patent and as such it would have been obvious to one of ordinary skill in the art to implement the claims of the instant application using the claims of the patent in order to determine that a first

individual is likely to be interested in communicating with a second individual via a first communications link, retrieving information via the first communications link about one or more additional individuals from electronic memory means associated with the second individual; and establishing communication with at least one of the additional individuals based on the retrieved information.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application, for patent in the United States.

4. Claims 46, 47, 51-55, 59-69, and 71-81 are rejected under 35 U.S.C. 102(b) as being anticipated by Chater et al. (US 5,598,351).
5. In regards to claims 46, 47, 54, 65, 66, 67, 74, 75, 76, 78, and 81, Chater discloses a method for real-time communication among two or more individuals separated in space (See col. 2 lines 43-46), comprising the steps of: determining that a first individual (See Fig. 3 and station/booth 14) is likely to be interested in communicating with a second individual (See Fig. 3 and station station/booth 12) via a first communication link; retrieving information (e.g., video and interests) via the first communications link about one or more additional individuals from electronic memory means (See Fig. and storage/retrieval and sorting/central store 32) associated with the second individual (See col. 3 lines 43-54); and establishing communication with at least

one of the additional individuals based on the retrieved information (See Abstract and col. 3-4 lines 64-23).

6. In regards to claims 51, 53, 59, 61, 68, 69, 72, 77, and 80, Chater discloses the method, wherein the communication established between the first and second individuals comprises exchanges of text messages (See col. 4 lines 6-11).

7. In regards to claims 52 and 60, Chater discloses the method, wherein the first and second individuals communicate via real-time video (See col. 3-4 lines 64-23).

8. In regards to claim 55, Chater discloses the method, wherein the information in the memory is obtained by observing previous communications between the second individual and one of the individuals in the memory (See col. 3 lines 43-54).

9. In regards to claims 62 and 63, Chater discloses the method, wherein from observing previous communications between the second individual and one of the individuals in the memory, the frequency with which the second individual communicates with the individuals in the memory is determined and the individuals are sorted in the memory according to the frequency of communication (See col. 3 lines 43-63).

10. In regards to claims 64, 71, and 73, Chater discloses a collaborative conferencing system comprising: a large virtual space room; a display for displaying in real-time a representation of only those persons in the virtual space room who have been defined as likely to be interesting; and means for establishing communications with the persons in the virtual space room (See col. 4 lines 6-23).

11. In regards to claim 79, Chater discloses a communication system comprising: a server (See Fig. 9 and server 132) connected to a wide area network (See Fig. 9, ISDN 148, and LAN 146) for receiving from a first user (See Fig. 3 and station/booth 14) an identification of a second user (See Fig. 3 and station station/booth 12), and for sending to the first user, via a communications link connected to the server, information (e.g., video and interests) about one or more additional individuals from memory (See Fig. and storage/retrieval and sorting/central store 32) associated with the second user, and for assisting in communication between the first user and the one or more additional individuals (See Abstract and col. 3-4 lines 64-23).

12. Claims 48, 49, 56, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chater et al. (US 5,598,351), and further in view of Leipow (US 6,148,067).

13. Chater discloses all of claims 48, 49, 56, and 57 limitations except the method, wherein the communication established between the first and second individuals is by real-time telephony. Leipow, however, discloses the method, wherein the communication established between the first and second individuals is by real-time telephony (See Fig. 1 and col. 2-3 lines 64-5). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention, to employ the method with real-time telephony, as a way of allowing parties engaged in on-line "chat" rooms, to communicate with each other via the telephone network using telephone stations.

Again, people may prefer speaking with someone instead of "chatting" in an Internet chat room.

14. Claims 50, 58, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chater et al. (US 5,598,351), in view of Leipow (US 6,148,067), and further in view of Herz (US 6,029,195).

15. Chater and Leipow disclose all of claims 50, 58, and 70 limitations except the method, wherein the communications established between the first and second individuals comprises exchanges of voice mail messages. Herz, however, discloses the method, wherein the communications established between the first and second individuals comprises exchanges of voice mail messages (See col. 80 lines 4-17 and col. 81 lines 14-25). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the method with exchanges of voice mail messages, as a way of allowing users to communicate with each other through the use of voice mail messages, which may be preferred over text messages.

### ***Response to Arguments***

16. Applicant's arguments with respect to claims 46-81 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Martin et al. (US 6,119,178) teach a communication interface between remote transmission of both compressed video and other data and data exchange with local peripherals.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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A handwritten signature in black ink, appearing to read "Thjuan K. Addy". The signature is fluid and cursive, with a large loop at the end.

Thjuan K. Addy  
Patent Examiner  
AU 2614